

standards (e.g., materials specifications, test methods, sampling procedures, and business practices) that are developed or adopted by voluntary consensus standards bodies. The NTTAA directs EPA to provide Congress, through OMB, explanations when the Agency decides not to use available and applicable voluntary consensus standards. This proposed rulemaking does not involve technical standards. Therefore, EPA is not considering the use of any voluntary consensus standards.

#### H. Executive Order 13045

Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997), applies to any rule that: (1) Is determined to be "economically significant" as defined under Executive Order 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency.

This rule is not subject to E.O. 13045 because it is not an economically significant rule as defined by E.O. 12866, and because it does not involve decisions based on environmental health or safety risks.

Dated: September 9, 1998.

**A. Stanley Meiburg,**

*Acting Regional Administrator, Region 4.*

[FR Doc. 98-27927 Filed 10-19-98; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 300

[FRL-6177-2]

#### National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of intent for deletion of the Lodi Municipal Well Superfund site from the National Priorities List.

**SUMMARY:** The United States Environmental Protection Agency (EPA) Region II Office announces its intent to delete the Lodi Municipal Well Site (Site) from the National Priorities List and requests public comment on this action. The National Priorities List

constitutes Appendix B of 40 CFR part 300, which is the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), which EPA promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended, 42 U.S.C. section 9601 *et seq.* EPA and the State of New Jersey have determined that all appropriate response actions under CERCLA have been implemented at the Site to protect human health and the environment.

**DATES:** The EPA will accept comments concerning its proposal for deletion on or before November 19, 1998.

**ADDRESSES:** Comments may be mailed to: Mr. Jeff Catanzarita, Remedial Project Manager, Emergency and Remedial Response Division, U.S. Environmental Protection Agency, Region II, 290 Broadway, 19th Floor, New York, NY 10007-1866.

Comprehensive information on the Site is contained in the Administrative Record and is available for viewing, by appointment only, at: U.S. EPA Records Center, 290 Broadway—18th Floor, New York, New York 10007-1866, Hours: 9:00 am to 5:00 pm—Monday through Friday. Contact: Superfund Records Center, (212) 637-4308.

Information on the site is also available for viewing at the Information Repository which is located at: Lodi Memorial Library, One Memorial Drive, Lodi, New Jersey 07644, (973) 365-4044.

**FOR FURTHER INFORMATION CONTACT:** Jeff Catanzarita, Remedial Project Manager, (212) 637-4409.

#### SUPPLEMENTARY INFORMATION:

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#### I. Introduction

The United States Environmental Protection Agency (EPA) Region II announces its intent to delete the Lodi Municipal Well Site (Site) located in Lodi, Bergen County, New Jersey from the National Priorities List and requests public comment on this action. The National Priorities List constitutes Appendix B to the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), 40 CFR part 300, which EPA promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended.

The Lodi Municipal Well, also known as the Home Place Well, is located in

the Borough of Lodi, Bergen County, New Jersey. The Borough which is approximately 3.5 square miles in size, is located east of the Passaic River, west of the Hackensack River, and south of New Jersey State Route 4. Interstate 80 forms the northeast boundary of the Borough.

The Site was placed on the National Priorities List primarily due to radiological contamination. To find the source of the radiation EPA conducted an extensive field investigation, which indicated the radiological contamination is naturally occurring at the Site. Based upon these results, on September 27, 1993, EPA selected no further action for the groundwater in a Record of Decision.

EPA is not authorized under CERCLA to respond to such naturally occurring conditions. Section 104(a)(3) of CERCLA prevents a removal or remedial action in response to a release of a naturally occurring substance in its unaltered form from a location where it is naturally occurring.

EPA and New Jersey Department of Environmental Protection (NJDEP) propose to delete the Site because all appropriate CERCLA response activities have been implemented.

The National Priorities List is a list maintained by EPA of sites that EPA has determined present a significant risk to human health or the environment. Sites on the National Priorities List may be the subject of remedial actions financed by the Hazardous Substance Superfund (Fund). Pursuant to 40 CFR 300.425(e) of the NCP, any site or portion of a site deleted from the National Priorities List remains eligible for Fund-financed remedial actions if conditions at the site warrant such action.

EPA will accept comments concerning its intent for deletion for thirty (30) days after publication of this document in the **Federal Register** and a newspaper of record.

#### II. National Priorities List Deletion Criteria

Section 300.425(e)(1)(i)-(iii) of the NCP provides that sites may be deleted from the National Priorities List where no further response is appropriate. In making this determination, EPA in consultation with the State of New Jersey shall consider whether any of the following criteria have been met:

- (i) Responsible or other parties have implemented all appropriate response actions required; or
- (ii) All appropriate Fund-financed responses under CERCLA have been implemented and no further cleanup by responsible parties is appropriate; or

(iii) The remedial investigation has shown that the release of hazardous substances poses no significant threat to human health or the environment and, therefore, taking of remedial measures is not appropriate.

Deletion of a site from the National Priorities List does not preclude eligibility for subsequent Fund-financed actions at the Site if future site conditions warrant such actions. Section 300.425(e)(3) of the NCP provides that Fund-financed actions may be taken at sites that have been deleted from the National Priorities List. Further, deletion of a site from the National Priorities List does not affect the liability of responsible parties or impede Agency efforts to recover costs associated with response efforts.

### III. Deletion Procedures

The following procedures were used for the intended deletion of the Site :

(1) EPA Region II issued a Record of Decision on September 27, 1993 describing the selected remedy for the Site, which was a no action response;

(2) The State of New Jersey has concurred with the deletion by a letter dated June 30, 1997;

(3) A notice has been published in a local newspaper and has been distributed to appropriate federal, state and local officials, and other interested parties announcing a thirty-day public comment period on the proposed deletion; and

(4) EPA has made all relevant documents available in the information repositories listed previously.

Deletion of a site from the National Priorities List does not itself create, alter, or revoke any person's rights or obligations. The National Priorities List is designed primarily for informational purposes and to assist Agency management.

For deletion of a Site, EPA's Regional Office will accept and evaluate public comments on EPA's Notice of Intent to Delete before making a final decision to delete. If necessary, Region II will prepare a Responsiveness Summary to address any significant public comments received. A deletion occurs when the Regional Administrator places a final Notice of Deletion in the **Federal Register**.

### IV. Basis for Intended Site Deletion

The following provides EPA's rationale for deletion of the Site.

#### Background

The Lodi Municipal Well, also known as the Home Place Well, is located in the Borough of Lodi, Bergen County, New Jersey. The Home Place Well was

one of eleven wells used in the past by the Lodi Water Department. The Lodi Municipal Well site was placed on the National Priorities List primarily due to radiological contamination of groundwater. No radiological contaminants were detected in any of the other wells above federal water quality standards. The Lodi Municipal well was closed in December 1993.

After performing extensive field investigations, EPA has determined that the radiological contamination at the Site is naturally occurring. As described below, EPA is not authorized to respond to such naturally occurring conditions.

Section 104(a)(3) of CERCLA prevents a removal or remedial action in response to a release or threat of release of a naturally occurring substance in its unaltered form, or altered solely through naturally occurring processes or phenomena, from a location where it is naturally found. A response can only be authorized if the presence of the naturally occurring substance constitutes a human health or environmental emergency and no other entity will respond in a timely manner. Since, radionuclides present at the Lodi Municipal Well site have been determined to be naturally occurring, and the well is no longer utilized for water supply purposes, an emergency does not exist. Water for the Borough is currently being supplied by the Hackensack Water Company and the Passaic Valley Water Commission.

EPA and NJDEP have determined that all appropriate responses under CERCLA at the Site have been completed, and that no further activities are necessary. Consequently, EPA is proposing deletion of this Site from the National Priorities List. Documents supporting this action are available in the docket.

#### List of Subjects in 40 CFR Part 300

Environmental protection, Chemicals, Hazardous substances, Hazardous waste, Intergovernmental relations, Penalties, Superfund, Water pollution control, Water supply.

Dated: September 12, 1998.

**William J. Muszynski,**

*Acting Regional Administrator, Region II.*

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 300

[FRL-6177-3]

#### National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of intent for partial deletion of the Hill Property portion of the American Cyanamid Superfund site from the National Priorities List.

**SUMMARY:** The United States Environmental Protection Agency (EPA) Region II Office announces its intent to delete the Hill Property (HP) portion of the American Cyanamid Superfund Site from the National Priorities List and requests public comment on this action. The National Priorities List constitutes Appendix B of 40 CFR part 300, which is the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), which EPA promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended, 42 U.S.C. section 9601 *et seq.* EPA and the State of New Jersey have determined that all appropriate response actions under CERCLA have been implemented at the HP portion of the site to protect human health, welfare and the environment. This partial deletion pertains only to the HP portion of the American Cyanamid Site and does not include the other portions of the American Cyanamid Site.

**DATES:** The EPA will accept comments concerning its proposal for partial deletion on or before November 19, 1998.

**ADDRESSES:** Comments may be mailed to: Mr. Jeff Catanzarita, Remedial Project Manager, Emergency and Remedial Response Division, U.S. Environmental Protection Agency, Region II, 290 Broadway, 19th Floor, New York, NY 10007-1866.

Comprehensive information on the American Cyanamid Site as well as information specific to the partial deletion of the HP portion of the American Cyanamid Superfund Site is contained in the Administrative Record and is available for viewing, by appointment only, at: U.S. EPA Records Center, 290 Broadway—18th Floor, New York, New York 10007-1866, Hours: 9:00 a.m. to 5:00 p.m.—Monday through Friday, Contact: Superfund Records Center, (212) 637-4308.